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13 Attorneys for Plaintiff JOHN MARCOVICH

14 UNITED STATE DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

16 JOHN MARCOVICH,

17 Plaintiff,

18 vs.

19 VITAMIN SHOPPE INDUSTRIES INC.;
20 NUTRITION NOW, INC.; and DOES 1 TO
21 100,

22 Defendants.

Case No.: CV 08-1736 WDB

PLAINTIFF'S CONSENT TO PROCEED
BEFORE A UNITED STATES
MAGISTRATE JUDGE

23 TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

24 In accordance with the provisions of Title 28, U.S.C. Section 636(c), the undersigned
25 party hereby voluntarily consents to have a United States Magistrate Judge conduct any and all
26 further proceedings in the case, including trial, and order the entry of a final judgment. Appeal
27 from judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.
28 DATED: June 26, 2008

Michael T. Morrissey
MICHAEL T. MORRISSEY
Attorney for Plaintiff JOHN MARCOVICH

1 **CASE: Marcovich v. Vitamin Shoppe Industries, Inc.**

2 **CASE NO.: U.S. Northern District – CV 08-1736 WDB**

3 **PROOF OF SERVICE BY MAIL**

4
5 I am employed in Santa Clara County, California. I am over the age of eighteen years
6 and not a party to the within-entitled action. My business address is 1110 North First Street, San
7 Jose, California, 95112. I am readily familiar with the firm's practice for collection and
8 processing of correspondence and documents for mailing with The United States Postal Service.
9 On June 28, 2008 I deposited a true and correct copy of the following document(s):

10 **PLAINTIFF'S CONSENT TO PROCEED BEFORE A UNITED STATES**
11 **MAGISTRATE JUDGE**

12 in a sealed envelope, postage fully paid, at a branch of the U. S. post Office addressed as follows:

13 George J. Ziser, Esq.
14 Jonathan Rizzardi, Esq.
15 Lewis, Brisbois, Bisgaard & Smith, LLP
16 One Sansome Street, Suite 1400
San Francisco, CA 94104
[Facsimile No. (415) 434-0882] [Attorneys for Defendants]

17 I declare under penalty of perjury that the foregoing is true and correct. Executed this
18 28th day of June 2008 at Cupertino, California.

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20 Tracey McCarroll
21 Tracey McCarroll
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